

**IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**SHERMAN DIVISION**

**DATE: 8/27/2020**

**DISTRICT JUDGE**  
**Amos L. Mazzant, III**

**COURT REPORTER: Chris Beckham**  
**COURTROOM DEPUTY: Keary Conrad**

Innovation Sciences, Inc.	4:18-CV-474
v.	
Amazon.Com, Inc.	

<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYS FOR DEFENDANT</b>
Don Jackson, James Berquist, Walter Davis, Jr., Gregory Krauss, Lisa Blue (Counsel), Paul Malouf (Technology)	Deron Dacus, Dave Hadden, Saina Shamilov (Counsel), Fred Torok (Amazon representative) Robert Winant (paralegal) and Brian Patterson (Technology)

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

<b>TIME:</b>	<b>MINUTES: Jury trial (Day 4)</b>
8:30 a.m.	Court is in session. Court notes appearance of parties.
8:31 a.m.	Jury seated.
8:32 a.m.	Court asks witness, Dr. Anne Wang questions from the jurors.
8:43 a.m.	Plaintiff's Counsel, Lisa Blue begins follow up questions from juror questions.
8:53 a.m.	Pass the witness.
8:54 a.m.	Defendant's counsel, Deron Dacus begins follow up cross with witness, Dr. Anne Wang.
8:57 a.m.	Defendant's counsel, Deron Dacus shows witness a 1/9/2006 email from Dr. Wang to brother. Plaintiff objects to relevance and hearsay. Defendant's counsel allowed to use the email for impeachment purposes but will not be admitted.
9:05 a.m.	Pass the witness.
9:06 a.m.	Plaintiff's counsel, Lisa Blue begins follow up with witness, Dr. Anne Wang.
9:07 a.m.	Pass the witness. Witness excused.
9:07 a.m.	Plaintiff's counsel, Don Jackson calls Arlen Dean by video deposition.
9:08 a.m.	Video deposition of Arlen Riven Dean begins.

9:31 a.m.	Video deposition concludes.
9:31 a.m.	Plaintiff's counsel, Don Jackson calls Mark Akin by video deposition.
9:32 a.m.	Video deposition of Mark Aaron Akin begins. Technical issue. Delay for speaker setup.
9:34 a.m.	Video deposition of Mark Aaron Akin begins.
9:51 a.m.	Video deposition concludes.
9:52 a.m.	Plaintiff's counsel, Don Jackson offers to the Court that he will read into the record the deposition of Charles Joseph Allen.
9:53 a.m.	Plaintiff's counsel, Don Jackson with Plaintiff team member begins reading into the record the deposition of Charles Joseph Allen.
10:08 a.m.	Deposition concluded.
10:08 a.m.	Jury released for break.
10:09 a.m.	Parties discuss adverse witness and exhibits. Parties discuss sealing courtroom for expert testimony. Parties agree.
10:10 a.m.	Court recess for 15 minutes.
10:25 a.m.	Court re-convened. Court hears from Plaintiff's counsel, Lisa Blue regarding adverse witness instruction. Court declines to provide jury with adverse witness instruction.
10:30 a.m.	Jury seated.
10:31 a.m.	Plaintiff's counsel, Don Jackson calls Fred Torok, Principal Engineer for Amazon. Witness placed under oath.
10:32 a.m.	Plaintiff's counsel, Don Jackson begins direct examination of Fred Torok.
10:41 a.m.	Plaintiff's counsel, Don Jackson refers witness, Fred Torok to Plaintiff Exhibit 875.
10:47 a.m.	Plaintiff's counsel, Don Jackson refers witness, Fred Torok to Plaintiff Exhibit 585.
10:51 a.m.	Plaintiff's counsel, Don Jackson refers witness, Fred Torok to Plaintiff Exhibit 586.
10:55 a.m.	Plaintiff's counsel, Don Jackson refers witness, Fred Torok to Plaintiff Exhibit 588.
11:16 a.m.	Plaintiff's counsel, Don Jackson refers to document to refresh memory of Fred Torok. Objection by Defendants counsel, Dave Hadden.
11:18 a.m.	Pass the witness.
11:19 a.m.	Defendant's counsel, Dave Hadden cross examination of Fred Torok.
11:32 a.m.	Pass the witness.

11:33 a.m.	Plaintiff's counsel, Don Jackson re-direct of witness, Fred Torok
11:36 a.m.	Pass the witness.
11:37 a.m.	Court polls the jury for questions for the witness, Fred Torok.
11:37 a.m.	Bench conference.
11:38 a.m.	Court asks witness, Fred Torok questions of jury.
11:39 a.m.	Witness excused.
11:40 a.m.	Bench conference.
11:42 a.m.	<b>COURTROOM SEALED.</b> Parties asked to leave not subject to protective order.
11:43 a.m.	Plaintiff's counsel, Jay Berquist calls Dr. Devrim Ikizler. Witness Izikler placed under oath. Parties discuss allowing experts and staff into the courtroom.
11:45 a.m.	Plaintiff's counsel, Jay Berquist begins direct examination of Dr. Devrim Ikizler.
11:50 a.m.	Plaintiff's counsel, Jay Berquist requests the Court recognize Dr. Devrim Ikizler as an expert in the field of data analytics and competition economics.
11:54 a.m.	<b>RECORD SEALED.</b>
11:57 a.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Devrim Ikizler to Plaintiff Exhibit 401.
11:57 a.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Devrim Ikizler to Plaintiff Exhibit 402.
11:58 a.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Devrim Ikizler to Plaintiff Exhibit 401A.
12:00 p.m.	Jury excused for lunch.
12:01 p.m.	Court recess for lunch.
1:02 p.m.	Court re-convened. Jury seated.
1:03 p.m.	<b>RECORD SEALED.</b> Plaintiff's counsel, Jay Berquist continues direct examination with Dr. Devrim Ikizler.
1:03 p.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Devrim Ikizler to Plaintiff Exhibit 401A.
1:06 p.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Devrim Ikizler to Plaintiff Exhibit 970A.
1:06 p.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Devrim Ikizler to Plaintiff Exhibit 970B.
1:22 p.m.	Plaintiff's counsel, Jay Berquist reviews slides with Dr. Devrim Ikizler referencing Plaintiff Exhibits 397, 520, 399, 339, 447, 967, 966, 521, 965, 955, 519, 448, 968.

1:43 p.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Devrim Ikizler to Plaintiff Exhibit 614.
1:46 p.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Devrim Ikizler to Plaintiff Exhibit 951.
1:46 p.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Devrim Ikizler to Plaintiff Exhibits 952, 953.
1:47 p.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Devrim Ikizler to Plaintiff Exhibits 943, 944, 612.
2:01 p.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Devrim Ikizler to Plaintiff Exhibit 520.
2:19 p.m.	Jury excused for break.
2:20 p.m.	Court requests witness to slow down testimony for court reporter.
2:21 p.m.	Court adjourned for 15 minute break.
2:36 p.m.	Court re-convened. Jury seated.
2:37 p.m.	Plaintiff's counsel, Jay Berquist continues direct examination of Dr. Devrim Ikizler.
2:44 p.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Ikizler to Plaintiff Exhibit 878.
2:54 p.m.	Plaintiff's counsel, Jay Berquist refers witness, Dr. Ikizler to Plaintiff Exhibits 942 and 969.
2:55p.m.	Pass the witness.
2:57 p.m.	Defendant's counsel, Deron Dacus begins cross examination of Dr. Ikizler.
3:50 p.m.	Defendant's counsel, Deron Dacus refers witness Dr. Devrim Ikizler to Defendant's Exhibit 111. Defendant's counsel, Deron Dacus offers Defendant's Exhibit 111. Defendant's Exhibit 111 admitted.
3:52 p.m.	Plaintiff's counsel, Jay Berquist requests the record remain sealed. <b>RECORD REMAINS SEALED.</b>
4:11 p.m.	Pass the witness.
4:12 p.m.	Plaintiff's counsel, Jay Berquist begins re-direct examination of Dr. Devrim Ikizler.
4:27 p.m.	Pass the witness.
4:28 p.m.	Defendant's counsel, Deron Dacus begins re-cross examination of Dr. Devrim Ikizler.
4:33 p.m.	Pass the witness. Court polls the jury for questions.
4:34 p.m.	Bench conference.
4:35 p.m.	Court asks questions from the jury to witness Dr. Devrim Ikizler.

4:45 p.m.	Witness excused.
4:45 p.m.	Jury excused for 10 minute break.
4:47 p.m.	Counsel, Lisa Blue requests the Court to admonish counsel about side bar comments.
4:48 p.m.	Court recess for 10 minutes.
5:01 p.m.	Court re-convenes. Jury seated.
5:02 p.m.	Plaintiff's counsel, Don Jackson offers to the Court that he will read into the record the deposition of Dave Matsumoto. Plaintiffs counsel, Don Jackson with counsel Walter Davis begin reading into the record the deposition of Dave Matsumoto.
5:07 p.m.	Deposition of Dave Matsumoto concluded.
5:08 p.m.	Plaintiff's counsel, Don Jackson offers to the Court that he will read into the record the deposition of Nedim Fresko. Plaintiffs counsel, Don Jackson with counsel Walter Davis begin reading into the record the deposition of Nedim Fresko.
5:12 p.m.	Deposition of Nedim Fresko concluded.
5:12 p.m.	<b>RECORD/COURTROOM UNSEALED.</b>
5:13 p.m.	Plaintiff's counsel, Don Jackson offers to the Court that he will read into the record the deposition of Kevin Keith. Plaintiffs counsel, Don Jackson with counsel Walter Davis begin reading into the record the deposition of Kevin Keith.
5:24 p.m.	Deposition of Kevin Keith concluded.
5:24 p.m.	Jury released for day. Court will re-convene at 8:30 a.m.
5:26 p.m.	Plaintiff's counsel, Don Jackson advises the Court of objections to Mr. Shriver's testimony. Court hears from Walter Davis regarding Shriver's testimony, exhibits and deposition excerpts. Parties will re-convene at 8:05 a.m. regarding the issue. Davis will email letter with exhibits at issue. Shamilov will have an issue to dismiss as well and will email letter to law clerk this evening.
5:29 p.m.	Counsel Don Jackson and Lisa Blue asks the Court to take judicial notice that 8/8/2017 is the date the litigation in Virginia was filed against Amazon that included the 918 patent.
5:30 p.m.	Counsel Dave Hadden and Deron Dacus objects.
5:31 p.m.	Counsel Don Jackson continues argument regarding judicial notice for anything Judge would decide and would not ask to present that to jury.
5:32 p.m.	Counsel Deron Dacus objects to any mention being made in closing argument.
5:32 p.m.	Court suggests stipulation.

5:35 p.m.	Counsel Lisa Blue will submit stipulation to see if the Parties can agree to the stipulation.
5:37 p.m.	Court adjourned until 8:05 a.m.
	Plaintiff time: 11 hours 36 minutes Defendant time: 6 hours 11 minutes Total Court time today: 7 hours 25 minutes

DAVID O'TOOLE, CLERK

BY: Keary Conrad  
Courtroom Deputy Clerk